

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

| | | |
|--------------------------|---|-------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | |
| |) | 1:19-cr-201 (LMB) |
| GEORGE AREF NADER, |) | |
| |) | |
| Defendant. |) | |

ORDER

After the Court denied defendant George Aref Nader (“defendant” or “Nader”)’s Motion for Compassionate Release [Dkt. No. 208], defendant filed a Second Motion for Compassionate Release (“Motion”) [Dkt. No. 215]. In the Court’s Order denying defendant’s first Motion for Compassionate Release, the Court explained that although defendant has health conditions that put him at greater risk of severe illness from COVID-19, he has served very little of his 10-year sentence for what are serious offenses. Defendant is currently serving a 10-year sentence imposed on July 26, 2020, after pleading guilty to one count of possession of child pornography and one count of transportation of a minor with intent to engage in criminal sexual activity subsequent to a prior sex offense conviction. [Dkt. No. 171]. In his Motion, defendant asks to be released due to the risk he faces from the COVID-19 pandemic. The government has filed an opposition, and defendant has filed a reply and supplement. Finding that oral argument would not assist the decisional process, defendant’s Motion will be decided on the papers submitted. For the reasons that follow, this Motion will be denied.

An inmate seeking to modify a sentence under § 3582(c)(1)(A)(i) must show “extraordinary and compelling reasons to warrant [] a reduction” of the sentence. “In the context of the COVID-19 outbreak, courts have found extraordinary and compelling reasons for compassionate release when an inmate shows both a particularized susceptibility to the disease

and a particularized risk of contracting the disease at his prison facility.” United States v. Feiling, No. 3:19-cr-112, 2020 WL 1821457, at *7 (E.D. Va. Apr. 10, 2020); see also United States v. White, No. 2:07-cr-150, 2020 WL 1906845, at *1 n.2 (E.D. Va. Apr. 17, 2020). When considering whether modification is appropriate, the Court also must consider any applicable 18 U.S.C. § 3553(a) factors. See 18 U.S.C. § 3582(c)(1)(A).


Defendant argues that the recent COVID-19 outbreak at the Alexandria Adult Detention Center, where he is in custody, warrants his release, given that he suffers from progressive coronary artery disease, hypertension, high cholesterol, and diabetes. Although defendant describes a substantial increase in the number of positive COVID-19 cases at his facility in January, the reasons for denying his Motion remain the same as in the Court’s prior December 9, 2020 Order. Defendant has served about 13 percent of a 10-year sentence imposed for serious offenses involving the sexual exploitation of vulnerable minors. In a similar case, the Fourth Circuit affirmed the district court’s denial of a defendant’s motion for compassionate release where the defendant had significant chronic health conditions, including tricuspid atresia and cirrhosis of the liver, but had served very little time out of a significant sentence for traveling to engage in illicit sexual contact with a minor. United States v. Kibble, No. 20-7009, 2021 WL 1216543 (4th Cir. Apr. 1, 2021). Defendant has also informed the Court that he received the second dose of a vaccine during the week of February 14, 2021 and is now fully vaccinated. Because defendant’s risk of contracting COVID-19 has been significantly reduced, and based on the short amount of time he has served for serious offenses, it is hereby

ORDERED that the Motion [Dkt. Nos. 213, 215] be and is DENIED.

The Clerk is directed to forward copies of this Order to counsel of record.

Entered this 13th day of April, 2021.

Alexandria, Virginia

/s/ 
Leonie M. Brinkema
United States District Judge